No. 20-1775

In the Supreme Court of the United States

STATE OF ARIZONA, *et al.*,

Petitioners,

v.

CITY AND COUNTY OF SAN FRANCISCO, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF IN OPPOSITION FOR THE STATE OF CALIFORNIA, DISTRICT OF COLUMBIA, STATE OF MAINE, COMMONWEALTH OF PENNSYLVANIA, AND STATE OF OREGON

ROB BONTA
Attorney General of California
MICHAEL J. MONGAN
Solicitor General
MICHAEL L. NEWMAN
Senior Assistant Attorney General

HELEN H. HONG*
Deputy Solicitor General
CHEROKEE DM MELTON
Supervising Deputy Attorney General
ANNA M. RICH
Deputy Attorney General

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
600 West Broadway, Suite 1800
San Diego, CA 92101
(619) 738-9693
Helen.Hong@doj.ca.gov
**Counsel of Record*

August 23, 2021

QUESTION PRESENTED

Whether the court of appeals properly denied petitioners' motion to intervene.

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES
(continued)

Page

TABLE OF AUTHORITIES
(continued)

Page

TABLE OF AUTHORITIES
(continued)

Page

STATEMENT

A. Legal Background

1. The Immigration and Nationality Act (INA) provides that a noncitizen "is inadmissible" to the United States if, "in the opinion of the" Secretary of Homeland Security, the noncitizen is "likely at any time to become a public charge." 8 U.S.C. § 1182(a)(4)(A). The INA does not define the term "public charge," but it directs the Secretary to consider certain factors when making a public charge determination, including the noncitizen's age, health, family status, assets, resources, financial status, education, and skills. *Id.* § 1182(a)(4)(B)(i).

In 2019, the Department of Homeland Security (DHS) adopted a rule defining "public charge" to mean a noncitizen who receives one or more specified public benefits for more than 12 months in the aggregate within any 36-month period. *See* Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292, 41,501 (Aug. 14, 2019). The specified benefits included cash assistance for income maintenance as well as certain federal non-cash benefits, such as for healthcare, housing, and nutrition assistance. *Id.* Under the 2019 public charge rule, a "broader" and "expanded" group of noncitizens were potentially inadmissible to the United States than under the interpretation that had governed public charge determinations for the preceding decades. *See id.* at 41,320, 41,348.

2. Shortly after DHS adopted the 2019 public charge rule, plaintiffs across the Nation filed suits to challenge the rule on APA and constitutional grounds. As discussed below, respondents the States of California, Maine, Oregon, Pennsylvania, and the District of Columbia sued in the Northern District of California

and obtained a preliminary injunction barring enforcement of the rule within their respective territories, which the federal government then appealed. *See infra* pp. 6-7.

Other courts considered similar legal challenges. District courts in the Southern District of New York, the District of Maryland, and the Northern District of Illinois each concluded that the rule was likely unlawful and entered preliminary injunctions prohibiting its implementation.[1] Each of those preliminary injunctions was stayed pending further appellate proceedings, either by the court of appeals or by order of this Court. *See CASA de Maryland, Inc. v. Trump*, No. 19-2222, Dkt. 21 (4th Cir. Dec. 9, 2019); *Dep't of Homeland Security v. New York*, 140 S. Ct. 599 (2020); *Wolf v. Cook Cty.*, 140 S. Ct. 681 (2020).

The Second and Seventh Circuits then affirmed the district courts' preliminary injunctions. *New York v. Dep't of Homeland Security*, 969 F.3d 42, 87 (2d Cir. 2020); *Cook Cty. v. Wolf*, 962 F.3d 208, 234 (7th Cir. 2020). The federal government filed petitions for writs of certiorari in those matters. *Dep't of Homeland Security v. New York*, No. 20-449 (Oct. 7, 2020); *Wolf v. Cook Cty.*, No. 20-450 (Oct. 7, 2020). A Fourth Circuit panel concluded that the 2019 rule was likely valid, but the full court subsequently granted rehearing en banc and vacated the panel decision. *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 255 (4th Cir.), *reh'g en banc granted*, 981 F.3d 311 (4th Cir. 2020).

---

[1] *See New York v. Dep't of Homeland Security*, 408 F. Supp. 3d 334 (S.D.N.Y. 2019); *Make the Road New York v. Cuccinelli*, 419 F. Supp. 3d 647 (S.D.N.Y. 2019); *CASA de Maryland, Inc. v. Trump*, 414 F. Supp. 3d 760 (D. Md. 2019); *Cook Cty. v. McAleenan*, 417 F. Supp. 3d 1008 (N.D. Ill. 2019).

Separately, a district court in the Northern District of Illinois entered a final judgment vacating the 2019 rule. *Cook Cty. v. Wolf*, 498 F. Supp. 3d 999 (N.D. Ill. 2020). The Seventh Circuit granted a stay of that judgment pending appeal. *Wolf v. Cook Cty.*, No. 20-3150, Dkt. 21 (7th Cir. Nov. 19, 2020).

3. On February 2, 2021, President Biden issued an executive order directing the Secretary of State, the Attorney General, and the Secretary of Homeland Security to evaluate their "public charge policies," identify "appropriate agency actions . . . to address concerns about the current public charge policies[]," and submit a report to the President on those matters within 60 days. Exec. Order No. 14,012, 86 Fed. Reg. 8277, 8278 (Feb. 2, 2021). A few weeks later, this Court granted the pending petition for a writ of certiorari in *Dep't of Homeland Security v. New York,* No. 20-449 (Feb. 22, 2021), regarding the Second Circuit's judgment.

As part of the review ordered by the President, DHS determined in March 2021 that "continuing to defend" the 2019 public charge rule "is neither in the public interest nor an efficient use of limited government resources," and concluded that it would no longer pursue "appellate review of judicial decisions invalidating or enjoining enforcement" of the rule.[2] The parties to the three public charge matters then pending in this Court at the merits or certiorari stage (including the respondents here) subsequently filed joint stipulations to dismiss those cases under Rule 46.1. On March 9, the Court dismissed the cases.

---

[2] Dep't of Homeland Security, *DHS Statement on Litigation Related to the Public Charge Ground of Inadmissibility* (Mar. 9, 2021), https://www.dhs.gov/news/2021/03/09/dhs-statement-litigation-related-public-charge-ground-inadmissibility.

Meanwhile, the Seventh Circuit dismissed the pending appeal of the judgment vacating the 2019 rule (also at the request of the parties) and issued its mandate. *See Cook Cty. v. Wolf*, No. 20-3150, Dkt. 24-1 (7th Cir. Mar. 9, 2021). As a result, that judgment took effect. Two days later, a group of States moved to intervene in the Seventh Circuit, which denied the motion. *Cook Cty. v. Wolf*, No. 20-3150, Dkt. 26 (7th Cir. Mar. 15, 2021).[3]

On March 15, the federal government issued a final rule implementing the Northern District of Illinois's vacatur of the 2019 public charge rule. *See* Inadmissibility on Public Charge Grounds; Implementation of Vacatur, 86 Fed. Reg. 14,221 (Mar. 15, 2021). As a result, the 2019 rule has been removed from the Code of Federal Regulations and public charge assessments are presently controlled by the longstanding guidance previously in effect. *See id.*; Field Guidance on Deportability and Inadmissibility on Public Charge Grounds, 64 Fed. Reg. 28,689 (Mar. 26, 1999).[4] DHS has since

---

[3] The petitioners here filed similar motions to intervene and to recall the mandate in the Fourth Circuit, shortly after the court of appeals dismissed that appeal at the request of the parties. *CASA de Maryland v. Biden*, No. 19-2222, Dkt. 213-215 (4th Cir. Mar. 11, 2021). The Fourth Circuit denied the motions one week later. *Id.*, Dkt. 216 (Mar. 18, 2021). None of the petitioner States has sought to intervene in the Second Circuit matter, in which the jurisdictional deadline to file a petition for a writ of certiorari from the judgment affirming the preliminary injunctions of the Southern District of New York has long passed. *See Make the Road New York v. Cuccinelli*, No. 19-3595, Dkt. 465 (2d. Cir. Aug. 4, 2020).

[4] *See also* Dep't of Homeland Security, *DHS Secretary Statement on the 2019 Public Charge Rule* (Mar. 9, 2021), https://www.dhs.gov/news/2021/03/09/dhs-secretary-statement-

issued an "Advance notice of proposed rulemaking and notice of virtual public listening sessions" to solicit "broad public feedback on the public charge ground of inadmissibility" for a "future regulatory proposal."[5]

In April, a group of States led by Texas filed an application in this Court asking the Court to either stay the vacatur judgment of the Northern District of Illinois, pending the filing of a petition for certiorari, or to summarily reverse the Seventh Circuit's order denying their prior motion to recall the mandate and to intervene. This Court denied that application, but "without prejudice" to the applicants seeking relief "before the District Court, whether in a motion for intervention or otherwise." *Texas v. Cook Cty.*, No. 20A150 (Apr. 26, 2021 order); *see also id.* (after "the District Court considers any such motion, the States may seek review, if necessary, in the Court of Appeals, and in a renewed application in this Court"). In May, the same applicants filed motions to intervene and for relief from the final judgment in the Northern District of Illinois. *Cook Cty. v. Wolf*, D. Ct. No. 19-cv-6334, Dkt. 256, 259 (N.D. Ill. May 12, 2021). The district court heard argument on those motions in July, *id.*, Dkt. 280 (July 22, 2021), and denied them on August 17, *id.*, Dkt. 284, 285. The States filed a notice of appeal on August 20. *Id.*, Dkt. 287.

B. Proceedings Below

This case involves petitioners' unsuccessful attempt to intervene in appellate proceedings in which the Ninth Circuit reviewed preliminary injunctions

---

2019-public-charge-rule.

[5] *See* Proposed Rules, Public Charge Ground of Inadmissibility, 86 Fed. Reg. 47,025 (Aug. 23, 2021).

barring enforcement of the now-vacated 2019 public charge rule.

1. Respondents the States of California, Maine, Oregon, Pennsylvania and the District of Columbia filed suit in the Northern District of California in August 2019. Pet. App. 112-113. The district court heard the case along with a similar suit filed by the City and County of San Francisco and the County of Santa Clara. *Id.* at 112. Following briefing, it granted a preliminary injunction that was limited in scope to the territory of the plaintiff States and local governments. *Id.* at 300-307.

A motions panel of the court of appeals stayed the preliminary injunction pending appeal. Pet. App. 90-170. After additional briefing and oral argument, a separate merits panel affirmed the preliminary injunction and also substantially affirmed a separate preliminary injunction entered by the Eastern District of Washington in a suit filed by a different group of States. *Id.* at 41-88.[6] The court of appeals concluded that the plaintiffs in both cases were likely to prevail on the claim that the 2019 public charge rule was contrary to law. *Id.* at 77. It also concluded that they were likely to succeed on the claim that the rule was arbitrary and capricious and adopted pursuant to a flawed rulemaking process. *Id.* at 77-85. It held that the district courts had properly entered preliminary injunctions, but vacated "that portion of the Eastern District's injunction making it applicable nationwide." *Id.* at 88. Judge Van Dyke dissented. *Id.* at 89.

---

[6] In the Washington case, the district court had granted a preliminary injunction that was nationwide in scope. Pet. App. 308-368. The court of appeals consolidated the appeals of the preliminary injunctions in the California and Washington cases, as it had done with the stay proceedings. *Id.* at 58.

On January 21, 2021, this Court docketed the federal government's petition for a writ of certiorari seeking review of the court of appeals' judgment affirming the preliminary injunctions. *See United States Citizenship and Immigration Services v. City & County of San Francisco*, No. 20-962. On March 9, after the parties filed their joint stipulation to dismiss under Rule 46.1, *see supra* p. 3, the Court dismissed that petition.

2. The petitioners here are Arizona and 12 other States. Before March 10, they had not participated in these proceedings as amici or otherwise. On that date, they moved to intervene in the Ninth Circuit "so that they [could] file a petition for certiorari" seeking review of the court of appeals' judgment affirming the preliminary injunctions. No. 19-17213, Dkt. 143 at 1 (Mar. 10, 2021). The court of appeals denied the motion on April 8, over a dissent by Judge Van Dyke. Pet. App. 1-40.

On May 6, the same States filed a motion for leave to intervene in this Court, attaching a copy of the petition for a writ of certiorari they proposed to file if the Court granted their motion. *See Arizona v. City & County of San Francisco*, No. 20M81. On June 1, this Court issued an order holding the motion in abeyance. The Court observed that the States had "also indicated their intention to file a petition for a writ of certiorari respecting the denial of their motion for leave to intervene in the United States Court of Appeals for the Ninth Circuit." The Court held the intervention motion in abeyance "pending the timely filing and disposition of the petition for a writ of certiorari respecting the denial of intervention below."

ARGUMENT

Petitioners purport to seek review of three separate questions, *see* Pet. i-ii, but the only question that is properly raised at this juncture is the one anticipated by the Court in its June 1 abeyance order: petitioners' contention that the Ninth Circuit erred with respect to its "denial of their motion for leave to intervene." No further review is warranted as to that question. The standards governing intervention motions are already well established; the court of appeals properly denied petitioners' motion to intervene under those standards; and that decision does not implicate any conflict of authority in the lower courts. As petitioners acknowledge, their real concern is not with the decision below but rather with the "vacatur of" the 2019 public charge rule in a judgment issued by the Northern District of Illinois, Pet. i, and the actions taken by the federal government in response to that district court judgment, *see id.* at 15-17. However the ongoing intervention proceedings in the Northern District of Illinois ultimately play out, those concerns do not provide a basis for plenary review of the separate intervention question presented here.

1. Petitioners principally ask this Court to "grant this petition for certiorari and reverse the Ninth Circuit's denial of intervention." Pet. 21. But that issue does not warrant an exercise of this Court's certiorari jurisdiction in this case.

The legal standards governing intervention in the courts of appeals are already well-established. *See, e.g.*, *Bates v. Jones*, 127 F.3d 870, 873 (9th Cir. 1997) ("Intervention on appeal is governed by Rule 24 of the Federal Rules of Civil Procedure."); *Massachusetts Sch. of L. at Andover, Inc. v. United States*, 118 F.3d 776, 779 (D.C. Cir. 1997) (same); *Sierra Club, Inc. v.*

E.P.A., 358 F.3d 516, 518 (7th Cir. 2004) (same); *cf. Auto. Workers v. Scofield*, 382 U.S. 205, 217 n.10 (1965) ("[T]he policies underlying intervention [contained in Federal Rule of Civil Procedure 24] may be applicable in appellate courts.").[7]

And petitioners do not argue that the court of appeals' decision denying intervention conflicts with any decision of this Court or another court of appeals. To the contrary, the lower courts have so far uniformly agreed that intervention is unwarranted under similar circumstances. *See* Pet. App. 13; *Cook Cty. v. Wolf*, No. 20-3150, Dkt. 26 (7th Cir. Mar. 15, 2021); *CASA de Maryland v. Biden*, No. 19-2222, Dkt. 216 (4th Cir. Mar. 18, 2021); *Cook Cty. v. Wolf*, D. Ct. No. 19-cv-6334, Dkt. 284, 285 (N.D. Ill. August 17, 2021).

Instead, petitioners stress the "importance" of the intervention issue. Pet. 19. To be sure, this litigation undoubtedly addressed important issues when the district courts below preliminarily enjoined an operative federal regulation governing the admission of noncitizens into the United States. But because that regulation has been vacated through a final judgment in a separate case, and the federal government has since revoked the rule and initiated a new rulemaking, the preliminary injunctions at issue in this case no longer have any practical effect. *Cf. Univ. of Texas v. Camenisch*, 451 U.S. 390, 398 (1981) ("In sum, the question whether a preliminary injunction should have been issued here is moot, because the terms of the injunction, as modified by the Court of Appeals,

---

[7] The Court recently granted certiorari on an intervention issue in *Cameron v. EMW Women's Surgical Center, P.S.C.*, No. 20-601 (March 29, 2021), but that case involves the distinct question of whether a sovereign authority may decide for itself who defends its laws in court.

have been fully and irrevocably carried out."); *People for the Ethical Treatment of Animals, Inc. v. Gittens*, 396 F.3d 416, 421 (D.C. Cir. 2005) ("'An appeal from an order granting a preliminary injunction becomes moot when, because of the defendant's compliance or some other change in circumstances, nothing remains to be enjoined through a permanent injunction.'").

Petitioners also invoke their desire to "defend their vital interests." Pet. 17. But they do not explain how their intervention in *this* case, at this juncture, would allow them to defend the interests they identify. They assert that the 2019 public charge rule would have "save[d] all of the states cumulatively $1.01 billion annually, and the Petitioning States here would save a share of that amount." Pet. 20. Even if that were true, however, petitioners do not explain how intervening in this litigation could restore that rule. *Id.*[8] The Ninth Circuit judgment that petitioners seek to challenge affirmed the district courts' preliminary injunctions within the plaintiff States' jurisdictions; it did not vacate the 2019 public charge rule or otherwise permanently bar that rule's implementation in a way that would have negated the long-term fiscal advantages predicted by petitioners.

---

[8] As the federal government has explained, "[r]eal-world experience with the 2019 Rule" did not bear out the "speculation that the Rule would substantially reduce the number of noncitizens eligible for public benefits within [the applicant State] jurisdictions." U.S. Opp. 23, 24, *Texas v. Cook Cty.*, No. 20A150 (Apr. 9, 2021); *see also id.* (three out of 47,500 applicants were denied admission based on adverse public charge determination in one-year period rule was in effect).

Petitioners next observe that they "have an important procedural right to comment on any new rulemaking under the APA." Pet. 20. But the judgment of the court of appeals in this case does not in any way "impede[]" (*id.*) any procedural rights that petitioners have under the APA.[9] And while petitioners apparently never took the opportunity to participate in the rulemaking process preceding the adoption of the 2019 public charge rule, they can and should participate in the new rulemaking that DHS commenced this month. *See supra* pp. 4-5.

Moreover, the court of appeals' decision to deny petitioners' motion to intervene was correct. "In determining whether intervention is appropriate," the courts of appeals are "guided primarily by practical and equitable considerations." *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1988). Those considerations do not warrant intervention by petitioner States, months after the appellate court issued its judgment, in appeals concerning preliminary injunctions that do not apply to petitioners, and that address a rule that has been vacated by another court and then revoked by the federal government. *See supra* pp. 4-5.[10] Under

---

[9] Petitioners also express concern that that they were not able to comment on the federal government's revocation of the 2019 public charge rule. *See* Pet. 17. The APA contemplates that a reviewing court "shall . . . set aside" a rule determined to be arbitrary and capricious or contrary to law, 5 U.S.C. § 706, and that, in certain circumstances, an agency may give effect to such a court order without further notice and comment, *id.* § 553(b)(B). And petitioners recently "admit[ted] that the APA does *not* prohibit an agency from taking the course that DHS took here." *Cook Cty. v. Wolf*, D. Ct. No. 19-cv-6334, Dkt. 285 at 22 (N.D. Ill. Aug. 17, 2021).

[10] The preliminary injunction that the court of appeals affirmed

these circumstances, petitioners cannot satisfy the criteria for either permissive or mandatory intervention. *See* Fed. R. Civ. P. 24(a)-(b).[11]

Indeed, even petitioners acknowledge that their real interest lies not in participating in the Ninth Circuit proceedings, but in seeking further review of the "partial final judgment and vacatur of the [2019] Rule issued by a district court in the Northern District of Illinois." Pet. 2; *see also id.* at 3, 15-21; Pet. App. 35 (Van Dyke, J., dissenting) ("So long as the 2019 rule itself remains vacated nationwide by a single judge in the Seventh Circuit, not much can be done in this circuit to affect that."). As petitioners explain, their "efforts at obtaining review of that vacatur are underway," Pet. 2; and they just recently appealed the denial of their motion to intervene in the Northern District of Illinois to the Seventh Circuit, *see supra* p. 5. To the extent this Court has any concerns about that question, or about any actions that "effectuat[ed]

---

in the California cases never applied to any of the petitioner States. *See* Pet. App. 307. While the preliminary injunction in the Washington case was originally nationwide in scope, the court of appeals narrowed it to the geographic territory of the plaintiff governments in that case. *See id.* at 87-88.

[11] To intervene as a matter of right, "(1) the application for intervention must be timely; (2) the applicant must have a 'significantly protectable' interest relating to the property or transaction that is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect that interest; and (4) the applicant's interest must not be adequately represented by the existing parties in the lawsuit." *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 817 (9th Cir. 2001). For permissive intervention, the applicant must have "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B).

[the] partial final judgment" in the Northern District of Illinois, Pet. 2, that is a reason for preserving the possibility of further proceedings in the context of the Illinois case, *see Texas v. Cook Cty.*, No. 20A150 (Apr. 26, 2021 order)—not for granting plenary review of petitioners' meritless intervention arguments in this one.

2. In addition to seeking to challenge the court of appeals' denial of their motion to intervene, petitioners seek review of two questions related to that court's prior judgment affirming the district courts' preliminary injunctions. *See* Pet. ii, 21-32. Neither question is properly before this Court.

The "refusal of the court below to permit one to intervene as a party entitles that person to seek Supreme Court review of the denial of the motion to intervene[.]" Shapiro et al., *Supreme Court Practice* § 6.16(c), p. 6-62 (11th ed. 2019); *see, e.g.*, *Auto. Workers*, 382 U.S. at 209. That is presumably why the Court held petitioners' motion to intervene in this Court in abeyance "pending the timely filing and disposition of the petition for a writ of certiorari respecting the denial of intervention below." *Arizona v. City & County of San Francisco*, No. 20M81 (June 1, 2021). "[B]ut such a putative intervenor cannot petition for review of any other aspect of the judgment below." Shapiro, *supra*, § 6.16(c), p. 6-62; *see, e.g.*, *Izumi Seimitsu Kogyo Kabushiki Kaisha v. U.S. Philips Corp.*, 510 U.S. 27, 30-34 (1993); *Auto. Workers*, 382 U.S. at 209.

Here, the second and third questions that petitioners seek to present address whether the 2019 public charge rule "is contrary to law or arbitrary and capricious" and whether the court of appeals' judgment affirming the preliminary injunctions—which it issued

three months before it denied petitioners' motion to intervene—"should be vacated as moot under *Munsingwear*." Pet. ii. Those questions plainly do not address the denial of intervention below.[12] Indeed, petitioners have tacitly acknowledged that they are not presently entitled to raise those questions in this Court: When they originally sought leave to intervene in this Court "in order to file a petition for a writ of certiorari to review the decision of the Ninth Circuit affirming a preliminary injunction enjoining the Rule," they attached to their motion a proposed petition containing the identical questions and supporting arguments. Mot. for Leave to Intervene at 2, *Arizona v. City & County of San Francisco*, No. 20M81 (May 6, 2021); *compare id.* Proposed Pet. 18-29, *with* Pet. 21-32.

If this Court were to grant plenary review of the intervention question and resolve it in a way that led to petitioners becoming intervenors on remand, petitioners would then be "part[ies] to the appeal below," *Izumi Seimitsu*, 510 U.S. at 34, and in a position to seek review of issues going beyond the denial of their motion to intervene, *cf. id.* at 30; S. Ct. R. 12.6. But they are not presently entitled to raise such issues in this Court; and there is no basis for further review of the intervention question in this litigation, where the appellate proceeding below involved preliminary injunctions that no longer have any practical effect, *see supra* pp. 4-5, 10-11.

---

[12] In particular, petitioners have not identified any authority supporting their argument that this petition seeking review of the denial of their motion to intervene would present an opportunity for the Court to "vacate the decision below as to the Rule as moot." Pet. 32.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

ROB BONTA
Attorney General of California
MICHAEL J. MONGAN
Solicitor General
MICHAEL L. NEWMAN
Senior Assistant Attorney General
HELEN H. HONG
Deputy Solicitor General
CHEROKEE DM MELTON
Supervising Deputy Attorney General
ANNA M. RICH
Deputy Attorney General
Attorneys for California

KARL A. RACINE
Attorney General for the District of Columbia
LOREN L. ALIKHAN
Solicitor General
Attorneys for District of Columbia

AARON M. FREY
Attorney General of Maine
KIMBERLY L. PATWARDHAN
Assistant Attorney General
Attorneys for State of Maine

ELLEN ROSENBLUM
Attorney General of Oregon
BENJAMIN GUTMAN
Solicitor General
NICOLE DEFEVER
PATRICIA GARCIA RINCON
Assistant Attorneys General
Attorneys for State of Oregon

JOSH SHAPIRO
Attorney General for the Commonwealth of Pennsylvania
MICHAEL J. FISCHER
Chief Deputy Attorney General
AIMEE D. THOMSON
Deputy Attorney General
Attorneys for Commonwealth of Pennsylvania

August 23, 2021